

# Notice of Allowability

Application No.

10/804,794

Examiner

Todd M. Epps

Applicant(s)

AUSTIN ET AL.

Art Unit

3632

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 27, 2006.
2. ☒ The allowed claim(s) is/are 1-24, 26-57, and 80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

***Allowable Subject Matter***

Claims 1-24, 26-57, and 80 are allowed.

The following is an examiner's statement of reasons for allowance: regarding claims 1 and 15, the prior art fails to disclose a stabilizing device (bipod) in combination wherein a bracket (11) is configured to connect to the object (fig. 1), legs (12-13) having a first end and a second end with first damping material (54, 57, 63, 68, and 75) between the ends, and connected at the first end to the bracket (11), side arms (38-39) having a first end and a second end, and connected at the first end to the bracket (11), and having second damping material (88) positioned on each side arm and not directly connected to the bracket (see figure 3); regarding claim 27, the prior art fails to disclose a stabilizing device (bipod) in combination wherein a bracket (11) is configured to connect to the firearm (fig. 1), legs (12-13) having a first end and a second end with first damping material (45, 54, 57, 63, 68, and 75) between the ends, and connected at the first end to the bracket (11), the forward arms (34-35) having a first end and a second end forming a longitudinal axis of the forward arms (34-35) with the first end of the forward arms (34-35) connected to the bracket (11), and having second damping material (20) positioned on the forward arm spaced apart from the firearm; and regarding claims 40 and 57, the prior art fails to disclose a stabilizing device (bipod) in combination wherein a bracket (11) is configured to connect to the firearm (fig. 1), legs

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(12-13) having a first end and a second end with first damping material (45, 54, 57, 63, 68, and 75) positioned on the leg to reduce vibration in the bracket, and connected at the first end to the bracket (11), the side arms (38-39) and connected at the first end to the bracket (11), second damping material (88) positioned on each side arm, the forward arms (34-35) having a first end and a second end and connected to the bracket (11), and third damping material (20) positioned on the forward arm spaced apart from the firearm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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July 10, 2006



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